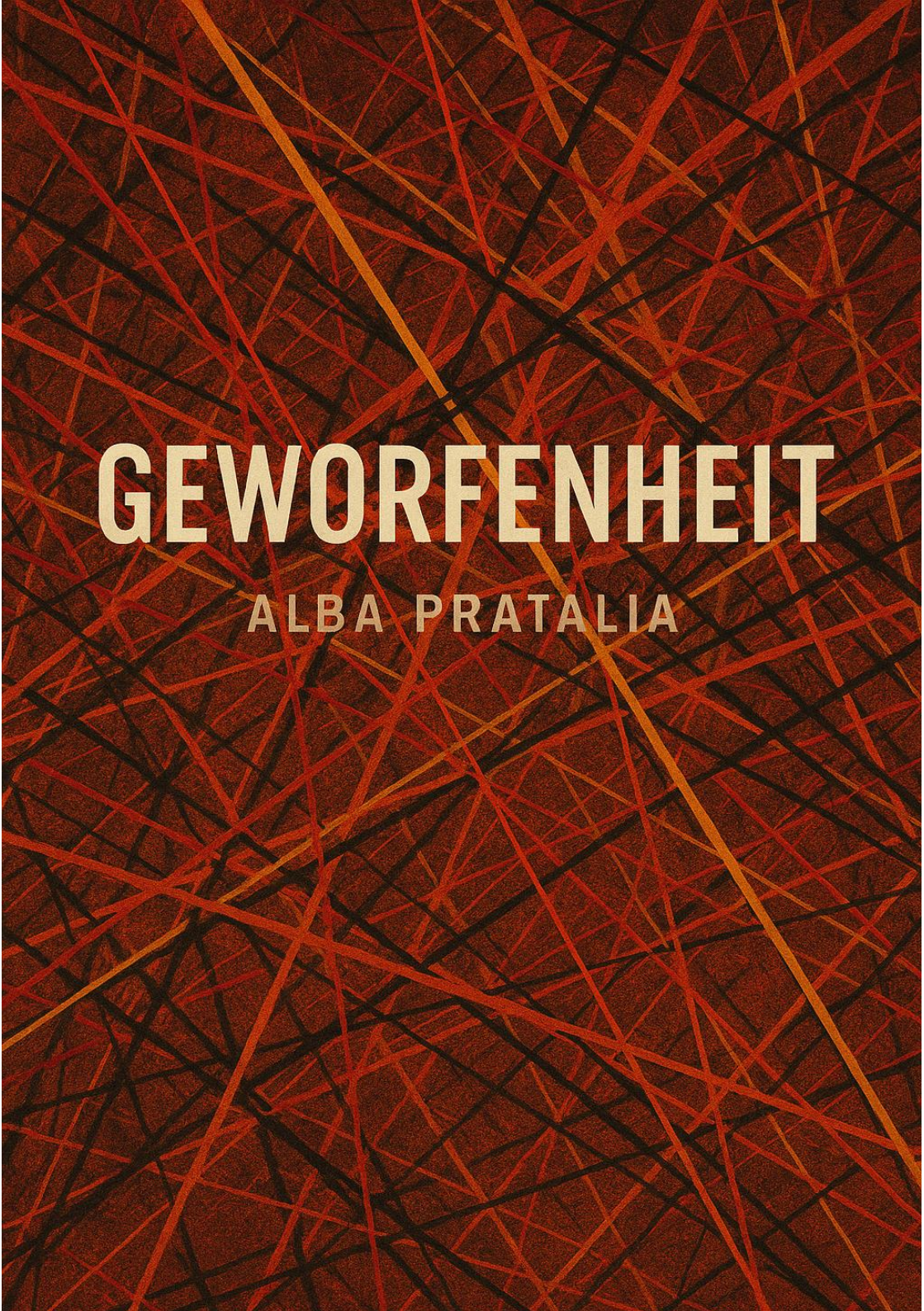




GEWORFENHEIT

ALBA PRATALIA

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By Alba Pratalia

Scene 1 — “Geworfenheit”

The office smells of mahogany, dust, and money—lawyer money, which is richer than normal money. Behind a desk that looks like it was stolen from a Renaissance pope, a top-tier penal lawyer adjusts his tie and prepares to speak. He has handled everything—embezzlement, political scandals, trophy wives who "accidentally" shoot their husbands while hunting quail—but never this.

The door opens.

A man steps in, thirty-something, hair slightly feral, carrying under his arm a pile of books so heavy it would make a philosophy professor's knees buckle. Without pausing to greet, without a handshake, he speaks as he shuts the door behind him.

Man: *"I want to sue my parents for creating me without my consent."*

Lawyer: (blinks slowly) "Sir—"

The man deposits the books on the spare leather chair. They land with the muffled thud of ancient tomes that have already ruined several backs. He sits down. The books sit too.

Lawyer: "...this is not a basis for any legal action in—"

The man slams a copy of *Sein und Zeit* onto the desk like a blackjack dealer throwing down a winning hand.

Man: "*Geworfenheit*." (opens to the bookmarked page, jabs a finger at a block of dense German) "Figure it out."

Lawyer: "Sir, that—"

Man: “Thrownness. They threw me here. *Into this*. Without so much as a text message asking if I was available for existence. They just—”
(gestures to the window) “—deposited me into a late-capitalist hellscape with climate collapse, tax codes, and reality TV. You think that’s not actionable?”

The lawyer studies the page as if it might bite him. Heidegger stares back from the printed words, smug and unhelpful.

Lawyer: “Mr. Petrelli, the courts… how shall I put this… don’t litigate against *Being*.”

Man: “That’s where you’re wrong. We sue corporations, don’t we? Corporations are legally people. Why not sue *People* for being people? My parents engaged in unconsented genesis. At the very least I should get alimony until I die.”

He pulls another book from the stack: *Critique of Pure Reason*. Then *The Myth of Sisyphus*. Then a worn paperback of *The Catcher in the Rye*, because why not.

Man: “And before you say this is frivolous, remember: Roe v. Wade was just about the *beginning* of life. I’m here about the *crime scene cleanup after birth*.”

The lawyer massages his temples. He has defended cartel bosses without sweating, but this… this is different. This is a man who brought existentialism as Exhibit A.

Man: “And before you say anything…”

From the inside pocket of his jacket, he produces a check. Blank. Already signed.

The lawyer glances down at the signature: *The St. Jude Foundation of Lost Causes.*

The ink is crisp, the paper heavy, the kind of paper that says: *This will bounce, but in a very prestigious way.*

Lawyer: “...Is this a joke?”

Man: “No. It’s payment. Retainer fee. From the only institution with the moral mandate to take my case seriously. It’s either you... or them.”

Lawyer: “Them?”

Man: “The French.”

There’s a pause long enough for a cathedral bell to toll twice.

The man leans forward, lowering his voice:

Man: “You think I want to be here? In this century? Eating quinoa because bread is racist

now? Working jobs that don't exist to buy products that shouldn't exist? My parents—*these people*—rolled the biological dice and left me with *Geworfenheit*. That's not parenthood, that's *manslaughter in slow motion*."

The lawyer looks at the blank check again, then at the pile of books, then back at the man. Somewhere in his legal brain, a tiny voice whispers: *This case is unwinnable. But so was O.J.*

Lawyer: (slamming intercom) "Everyone. Office. Now. I don't care if you're drafting contracts, billing hours, or laundering my reputation. In here. *All of you*."

Within minutes, the room fills.

- Juniors with nervous eyes and coffee breath.
- Interns clutching yellow legal pads like shields.
- Tenure-track associates who thought “penal” was just about tax fraud.
- Partner-track sharks already calculating billable hours in their heads.
- The cavalry. The Coast Guard.
- And, inexplicably, three cardinals and a man in full plate armor because someone heard “Spanish Inquisition” and took it literally.

Lawyer: “Gentlemen. Ladies. Enemies. This is Mr. Petrelli. He is suing his parents for creating him without his consent. I need ideas, precedents, loopholes. Go.”

Chaos erupts.

Junior #1: “Parental liability statutes?”

Intern: “Do we have jurisdiction over conception?”

Partner-track: “Could we file under product liability? Defective human?”

Cardinal: “This is blasphemy.”

Man in armor: “This is Tuesday.”

The man—Petrelli—stands. Picks up *Being and Time* like a holy text, slaps it open to the *Geworfenheit* page.

Petrelli: “Listen. You’re all thinking like lawyers. You need to think like existentialists. Thrownness. I did not *ask* to be in this absurdist hellscape, yet here I am—paying taxes, updating passwords, eating kale against my will. Now… your job is to retroactively

unthrow me. Or make someone pay for the throw.”

Intern #2: “Can you clarify the concept of ‘throw’?”

Petrelli: “Imagine you’re asleep in a warm bed. Someone drags you outside, throws you into the middle of a chess match between God and entropy, and tells you the rules are still being written. That’s birth. *That’s* Geworfenheit.”

A murmur of “ohhhh” ripples through the room.

Petrelli: “Now, statute of limitations—irrelevant. I’m in a constant state of being wronged. *Continuous harm doctrine*. You want precedents? Look at the Book of Job. Look at Kafka. Hell, look at Nietzsche’s mental breakdown petting that horse. That’s Exhibit C.”

The coast guard officer raises a hand.

Coast Guard: “What’s Exhibit A and B?”

Petrelli: “Exhibit A is my birth certificate.

Exhibit B is a copy of *The Myth of Sisyphus* with coffee stains that prove I’ve been reading it at 3 a.m. since puberty.”

A partner-track leans in. “Do we… actually have a shot?”

Petrelli grins like a man who already has tenure in the philosophy department of life.

Petrelli: “We don’t have a shot. We have the bullet, the gun, and the smoking corpse of hope. Now load it.”

The noise in the room is reaching academic-conference levels of cross-talk. Someone’s drawing Venn diagrams of “Parental Duty” vs.

“Metaphysical Obligation” on a whiteboard.

The Spanish Inquisition is taking minutes.

Petrelli raises a hand. The room falls silent.

Petrelli: “Sartre: *Hell is other people.*”

He lets it hang there.

Petrelli: “I’ve been thrown directly into hell without even the opportunity to sin first. No agency. No warning. No terms and conditions. One moment: oblivion. Next moment: bills, death anxiety, LinkedIn.”

He flips open a battered poetry anthology, thumb already on the page.

Petrelli: “Pascoli. ‘But wherefore give [man] life? Why bring him up at all, if *this* be all? If life is nought but pain and care, why, why should we the burden bear? The day of birth is fatal to us all.’”

The interns are frozen, pens hovering over their notepads like they're afraid to write it down in case it summons something.

Petrelli: “Ladies and gentlemen, I’m not here for your sympathy. I’m here for precedent. My parents threw me into this without cause, without consent, and without a briefing packet. That’s negligence. That’s entrapment. That’s… metaphysical malpractice.”

The man in armor nods solemnly, visor down.

Partner-track associate: “So… damages?”

Petrelli: “Backdated to conception. Compounded existential interest. Also, hazard pay.”

The room erupts again—furious note-taking, whispered legal theories, the Coast Guard Googling “existential torts.”

The room is a frenzy of legal minds and accidental theologians until Petrelli stands again, a book of Baudelaire in one hand, the other raised like a prophet in a deposition.

Petrelli: “Baudelaire: *The Devil holds the strings which move us!*”

He begins pacing, voice rising.

Petrelli: “In repugnant things we discover charms; every day we descend a step further toward Hell, without horror, through gloom that stinks. And there is one more ugly, more wicked, more filthy! Though he makes neither great gestures nor great cries, he would willingly make of the earth a shambles and, in a yawn, swallow the world. He is *Ennui!* His eye watery as though with tears, he dreams of scaffolds as he smokes his hookah pipe.”

He slams the book shut.

Petrelli: “You know him, reader—that refined monster. Hypocritical reader. My fellow. My brother.”

He turns, sweeping the room with a look that pins every intern, every partner-track, every unexpected Coast Guard officer to their seats.

Petrelli: “We are *all* in the brotherhood of *Geworfenheit*. None of us chose to be yanked from nothingness and thrown into being. And what’s the endgame? To crawl back to the nothingness we started from—just older, uglier, and with a Gmail archive full of spam. That’s not destiny. That’s a prank. And I don’t care for it.”

A junior associate coughs nervously.

Petrelli: “So you tell me—do we just accept the prank? Or do we, for once in history, *litigate the metaphysical?*”

Somewhere, the man in plate armor claps slowly.

The brainstorm has devolved into pure metaphysics: one intern is sketching a flowchart of “Birth → Pain → Death” in four colors, the Coast Guard has started quoting Kierkegaard, and the Spanish Inquisition is fighting over whether to cite Aquinas or Foucault.

Petrelli doesn’t raise his voice this time. He just waits until the chatter dips, then speaks low enough that they all have to lean in.

Petrelli: “I can end the prank whenever I want. Like Anna Karenina—she looks at the train and says: *‘There,’ she said to herself, ‘there, and I will punish him and escape from everyone and from myself.’*”

He lets the quote settle.

Petrelli: “Escape from oneself. Can you imagine the prank? Why should I have to jump myself into nothingness... when I could have never existed in the first place? Why is the burden of *exit* now on me? I didn’t buy the ticket. I didn’t book the trip. Yet now, to leave, I’m told I have to throw myself under the train? That’s not destiny—that’s bad customer service.”

He steps closer to the desk, placing a hand flat on *Being and Time*.

Petrelli: “That’s an onus I will not bear. If existence is a lease, then my parents are the landlords. And I’m suing for unlawful entry.”

Silence. Even the man in armor doesn’t move.

Petrelli lowers himself into the chair, slow and deliberate, as though the act of sitting is the final punctuation mark on his manifesto. He folds his hands. The pile of books on the side chair leans toward him like obedient foot soldiers awaiting their next command.

Silence.

Then—like the firing pin of some bureaucratic artillery piece snapping into place—the lawyer clears his throat.

Lawyer: “Alright. Let’s talk cause of action.”

The room shifts.

A junior flips open a laptop. A partner-track murmurs, “Statute of limitations on non-consensual procreation...” An intern is already on Westlaw, typing “existential tort + wrongful life + metaphysical negligence.”

Partner-track #1: “We could frame it as a hybrid between wrongful birth and wrongful life suits, except inverted—retroactive plaintiff rather than parent as claimant.”

Junior #2: “I’ll draft a preliminary complaint with counts for Negligent Creation, Failure to Obtain Informed Consent, and Fraudulent Misrepresentation of Existence.”

Coast Guard officer: “We can fold in maritime law. Life’s a voyage. Unseaworthy vessel.”

Spanish Inquisition scribe: “Shall I add heresy?”

Lawyer: “Only if we can make it stick in Delaware.”

Legal Latin begins flying across the room like tracer fire: *actus reus*, *damnum emergens*, *culpa in contrahendo*. Someone yells “We’ll need a metaphysical expert witness!” Another counters, “Get a phenomenologist—cheaper than a theologian.”

Petrelli just leans back, serene, watching the machinery grind into motion.

The lawyer points at him briefly. “Don’t go anywhere, Petrelli—we’ll need you for affidavits.”

Petrelli smiles faintly. “I’ve been here since birth. Where am I going to go?”

The air changes. No more jokes about the Coast Guard. No more sideways glances at the man in armor. Laptops open. Notepads ready. Pens poised.

Partner-track #2: “We need to be clear about standing. In wrongful birth cases, the plaintiff is usually the parent alleging harm from giving birth to a child with disabilities. In wrongful life, the plaintiff is the child, but the harm claimed is *being born with disabilities*—not *being born at all*.”

Junior #1: “Right. So here, Petrelli is making the leap to claim that the harm is existence itself. That’s unprecedented, but conceptually adjacent.”

Lawyer: “The challenge is damages. In wrongful life, courts struggle because the comparison is between existing with a

condition and *never existing*. You can't quantify never existing in monetary terms. The defense will hammer that."

Intern: "Unless we argue that the measure of damages is the cumulative negative value of existence. We can bring in economists, epidemiologists, maybe philosophers of well-being—negative utilitarians could be powerful here."

Partner-track #1: "We'd also have to tackle the consent problem head-on. Parents can't literally get consent from a non-existent person. The defense will argue it's logically impossible, therefore the duty never exists."

Junior #2: "Counterpoint: the impossibility of consent doesn't erase the moral harm. We argue that parents are morally bound not to impose existence unless they can reasonably

guarantee the conditions of that existence will be worth it.”

Spanish Inquisition Scribe: “That sounds like an enforceable standard of care. We could call it the ‘Procreative Duty of Beneficence.’”

Lawyer: “We’ll need analogies. Courts love analogies. What’s the closest tort concept?”

Coast Guard Officer: “Maritime salvage law—you don’t bring a ship into unsafe waters without adequate preparation. Why bring a human into unsafe reality without adequate preparation?”

Partner-track #2: “That’s a stretch, but it works rhetorically. The jury won’t know the difference.”

Intern #3: “What about suicide as mitigation? Petrelli’s point is that the burden of exit

shouldn't fall on him—that the original wrongdoers, the parents, created a situation from which self-removal is itself traumatic and costly.”

Lawyer: “That’s the crux. The existential harm is ongoing. Continuous tort. No statute of limitations. The cause of action renews daily until death.”

The room nods. Someone writes “Continuous Harm Doctrine → Existence” on the whiteboard in red.

Petrelli sits quietly now, like a man who has just thrown a stone into a lake and is watching the ripples reach every shore.

Lawyer: (standing, buttoning his jacket) “We must make a deeply rooted and founded case.

Not a stunt. Not a manifesto. A *sound legal strategy* to bring this into court and survive every procedural death trap they'll throw at us."

He sweeps his gaze across the assembled chaos — partners, juniors, interns, Coast Guard, cardinals, the man in armor — until the room stills.

Lawyer: "We divide into two groups. Each with one task. Group One: establish the *philosophical foundation* — the moral and conceptual architecture for why this action is justified. Group Two: translate that into *justiciable claims* — real causes of action that can be pled, argued, and survive summary judgment."

He points decisively.

Lawyer: “Group One: You’re my philosophers, ethicists, theologians, literature vultures. Your job is to nail the moral duty not to procreate without ensuring the value of the life created. I want citations — Aristotle to Nagel. I want the Antinatalists. I want Schopenhauer’s suicide passages and Parfit’s non-identity problem explained like a baseball rule. And I want it tight enough to be understood by a jury that thinks Kant is a brand of soup.”

The cardinals, the Coast Guard officer, and three interns nod gravely. Someone’s already pulling *Better Never to Have Been* by David Benatar from the shelf.

Lawyer: “Group Two: You’re the legal engineers. Your job is to convert their philosophical bricks into a legal house. We’ll be looking at wrongful life precedents, product

liability analogies, parental duty expansions, and continuous harm doctrines. I want case names, I want fact patterns, I want trial strategies. And above all: I want us bulletproof against the ‘life is a gift’ defense.”

A partner-track murmurs, “We could file in a jurisdiction open to novel torts—California or New Jersey.”

Another counters, “We might want to go to the ECHR in Strasbourg — right to private life under Article 8.”

Lawyer: “Good. Think global. This is bigger than one country’s law. This is human jurisprudence.”

Petrelli: (finally speaking again) “Don’t forget to make them see the asymmetry: if existence is so valuable, they’ll say, then thank your parents. But if it’s a curse, I’m told to kill

myself quietly and stop whining. That double standard *is the case.*”

The two groups split into corners of the room.

- **Group One** is already debating whether Kierkegaard’s leap of faith is admissible as evidence.
- **Group Two** is arguing over whether “Involuntary Ontological Commitment” is too Latinate for a jury instruction.

The lawyer checks his watch. “We reconvene in ninety minutes. This isn’t philosophy club.

This is war.”

[Group 1 — Philosophical Foundation
Breakout Room]

Time: 14:06

Chair: Partner-track #2 (“Philosophy-friendly litigator”)

Attendees: Coast Guard Officer, Spanish Inquisition Scribe, two cardinals, four interns (Philosophy majors), one associate with a law degree and a Master’s in Ethics.

Observer: Petrelli (silent)

Partner-track #2: “Alright, ground rule — we’re not here to win a grad seminar. We’re here to build a moral edifice solid enough that a judge who’s never read anything heavier than *The Da Vinci Code* still feels the weight. Let’s start with the core question: is there a moral duty not to create life without ensuring it will be worth living?”

Intern #1: “That’s Benatar’s asymmetry argument — better never to have been. The

absence of suffering is good even if no one benefits from it, but the absence of pleasure is only bad if someone exists to be deprived of it.”

Cardinal #1: “Careful. The Church holds life as an intrinsic good. We’d need to either dismantle that or sidestep it. Courts in Catholic jurisdictions may side with the pro-natalist view instinctively.”

Associate (Ethics M.A.): “We don’t need to dismantle it entirely. We can argue from within the framework: even if life is a gift, a gift can be defective. If you gift a car without brakes, you’re liable. If you gift existence in a context of guaranteed suffering, you’re liable.”

Intern #2: “We should also distinguish between *potential* suffering and *foreseeable* suffering. Foreseeability is a legal concept. If parents know the socio-political, environmental, or

genetic circumstances make a good life improbable, the act is negligent.”

Coast Guard Officer: “Maritime analogy: you don’t launch a vessel if the hull’s compromised. Birth is launching a vessel into reality’s ocean. That metaphor works cross-culturally.”

Cardinal #2: “But how do we quantify ‘worth living’? Courts demand objective measures.”

Intern #3: “Life Satisfaction Index, Global Happiness Rankings, WHO mental health data. We can show a statistical baseline for well-being and argue that parents have a duty to meet or exceed it.”

Spanish Inquisition Scribe: “Philosophically, this edges toward Parfit’s ‘Repugnant Conclusion.’ We’ll need to preempt that — the defense will argue that even a barely tolerable life is better than nonexistence.”

Associate: “We counter with Nagel’s deprivation account — death isn’t bad because of nonexistence, but because of the goods it deprives us of. If existence itself is a net deprivation, then creating it is harmful.”

Intern #4: “Also Schopenhauer — existence as a pendulum between pain and boredom. If the jury hears ‘pain’ and ‘boredom’ enough, it’ll feel intuitively correct.”

Partner-track #2: “Good. We build three pillars: 1) The Duty of Procreative Care — only create life if you can ensure a net-positive existence. 2) Foreseeability of Harm — objective conditions that make harm likely. 3) Asymmetry — absence of existence avoids harm without moral cost.”

Coast Guard Officer: “We need a name for this moral framework — something the jury can

repeat. ‘The Right Not to Be Born Into Harm’?”

Intern #2: “Too long. How about ‘Consent to Exist Doctrine’?”

Partner-track #2: “Better. We’ll refine it. Alright, document everything — we’ll hand it to Group 2 for translation into tort law.”

[14:59 — Session adjourned.]

[Group 2 — Legal Engineering Breakout Room]

Time: 14:08

Chair: Senior Partner (Litigation)

Attendees: Two senior associates, three partner-track litigators, one research attorney, two interns (law school, 3L), one paralegal

with a photographic memory for case law.

Observer: Petrelli (silent, leaning in doorway)

Senior Partner: “Alright, we have the philosophical scaffolding from Group 1. Our task: turn that into pleadings that survive a motion to dismiss. Let’s identify possible causes of action.”

Associate #1: “First candidate: *Wrongful Life*. Precedent exists — Curlender v. Bio-Science Labs (California, 1980). Courts have allowed damages when a child is born with disabilities due to negligence. The difference here is, the disability alleged is… existence.”

Partner-track #1: “That’s the leap. In wrongful life, the harm is measurable against an alternative: nonexistence *plus* the assumption that the plaintiff wouldn’t have wanted to be

born in that state. Here, we claim nonexistence was the preferable baseline for *everyone* unless conditions guaranteed net-positive life.”

Research Attorney: “We could analogize to *Product Liability*— the ‘product’ is the human being. Failure to warn, design defect, manufacturing defect. No safety instructions, no escape clause.”

Intern #1: “But people aren’t products. The defense will say procreation isn’t commerce.”

Senior Partner: “True. But common law has expanded duty beyond commerce — e.g., *Tarasoff v. Regents of the University of California* extended duty to warn to therapists. We could argue a *duty to prospective persons*.”

Paralegal: “We should also explore *Negligent Infliction of Emotional Distress*. It’s tricky because the plaintiff’s entire lifespan becomes

the distress event, but the continuous harm doctrine could keep the claim alive indefinitely.”

Associate #2: “And ‘Constructive Fraud.’ The representation — implicit in procreation — that life is worth living. If that representation is made knowingly or recklessly when it’s false, it’s actionable.”

Partner-track #2: “Jurisdiction choice is key. California for tort expansion, New Jersey for wrongful life precedent, or the ECHR for human rights framing — Article 3 (no inhuman treatment) and Article 8 (private life).”

Research Attorney: “We’ll need experts: philosophers for moral duty, economists for cost-of-living burdens, psychiatrists for mental health prevalence. And someone who can explain *Geworfenheit* in ten words.”

Senior Partner: “Also procedural posture. If we go state court, they’ll laugh us out in pretrial. Federal court gives us more room for constitutional framing. Or we start at the ECHR, make it a global human rights test case.”

Partner-track #1: “The damages calculation will be brutal. We need a formula — lifetime suffering costs minus lifetime pleasures, adjusted for inflation. And a punitive component for willful disregard of foreseeable harm.”

Intern #2: “We could structure it like an environmental harm case — irreversible damage to a finite resource: here, the finite resource is my one life.”

Senior Partner: “Good. I want draft pleadings by tomorrow. Headings like *Count I: Negligent*

Creation of Human Life, Count II: Breach of Procreative Duty of Care, Count III: Failure to Obtain Informed Consent for Existence, Count IV: Intentional Infliction of Ontological Distress.”

He looks toward Petrelli.

Senior Partner: “You may get your day in court after all. But God help us if we win — we’ll rewrite humanity’s legal code.”

Petrelli smiles faintly.

Petrelli: “If we win, we’ll rewrite humanity’s *origin story*.”

[15:04 — Session adjourned.]

The door between Group 1 and Group 2 swings open. The Main Lawyer steps in, jacket off, sleeves rolled, eyes moving between the two huddled camps like a general inspecting two divisions after a long day of battle.

Main Lawyer: “Ladies and gentlemen… can we call it a day?”

Silence, except for one intern still scribbling “Foreseeability → Ontological Liability” in the margin of a yellow pad.

Main Lawyer: “Do we have enough to build on tomorrow?”

Partner-track #2 (Group 1): “We’ve got the moral architecture. Duty of Procreative Care, foreseeability thresholds, and the asymmetry doctrine framed in jury-friendly terms. The Consent to Exist Doctrine is shaping up.”

Senior Partner (Group 2): “We’ve got four solid counts, plus two backup theories in case the judge torpedoed wrongful life expansion. We’ve also got jurisdictional options — California, New Jersey, ECHR — and a preliminary damages framework.”

Main Lawyer: “Expert witnesses?”

Research Attorney: “Shortlist ready — philosophers, psychiatrists, economists, maybe a theologian for the crossfire value.”

Main Lawyer: “Good. Tomorrow, we tighten it. Today we dreamed. Tomorrow we draft.”

He looks at Petrelli, still leaning quietly in the corner like a man who just watched his idea mutate into something much bigger than himself.

Main Lawyer: “Mr. Petrelli — go home, get some rest. We’ll need you sharp for deposition prep.”

Petrelli: (dryly) “Rest is just rehearsal for death. But fine.”

Main Lawyer: “Alright, everyone — file your notes, back up the research, and for God’s sake, don’t leak a word of this. We’re not ready for the court of public opinion yet.”

The groups break, the chatter dying down into the soft rustle of paper and the clack of laptops closing. The man in armor salutes no one in particular before leaving.

[Next Morning — 09:14]

The elevator dings. Petrelli walks in wearing

plain clothes that somehow look more expensive than a suit, hair still damp from a shower, skin smelling of soap — and breath radiating whisky fumes that would knock a bishop off his horse. In one hand, a bottle of Caol Ila 18.

Petrelli: “This piece of shit of life isn’t worth sobriety.”

He places the bottle on the central table like a ceremonial offering. No one blinks. The entire legal team nods as if he has just recited an oath.

Main Lawyer: “Alright. Team One — moral-philosophical foundation. Team Two — legal translation. Regroup in your corners.”

Petrelli steps back to observe. Group 1 immediately closes ranks in their corner.

[Group 1 — Philosophical Foundation, Session 2]

Chair: Partner-track #2

Attendees: Same as yesterday — Coast Guard, Spanish Inquisition scribe, two cardinals, interns, ethics-trained associate.

Observer: Petrelli (silent, sipping Caol Ila from a paper cup)

Partner-track #2: “Yesterday, we established the ‘Consent to Exist Doctrine.’ Today, we need to make it jury-proof. We must anticipate counterarguments and inoculate against them.”

Intern #1: “Pro-natalist rebuttal: life contains joy, meaning, and possibility. Even in suffering, there’s growth. Defense will roll out poets and clergy.”

Cardinal #1: “If they go spiritual, we pivot secular. Ground all arguments in measurable harm: poverty rates, mental illness prevalence, climate risk indexes. Avoid metaphysical value claims.”

Ethics Associate: “We can also reframe ‘meaning’ as subjective and non-transferable. Parents can’t guarantee a child will find meaning — thus they can’t invoke it as a justification for creating life.”

Coast Guard Officer: “Risk assessment model: compare existence to a high-risk voyage. Would a reasonable captain launch into guaranteed storms? If no, then a reasonable parent shouldn’t launch a child into foreseeable suffering.”

Intern #2: “But jurors will think: ‘I’m alive, I like my life, so Petrelli’s wrong.’ That’s

selection bias. Survivorship bias. People who hate existence self-remove and can't testify. We need to explain that without sounding suicidal."

Spanish Inquisition Scribe: "We could use Thomas Ligotti's *The Conspiracy Against the Human Race*. It's bleak, but it packages the logic elegantly — consciousness as a tragic accident."

Cardinal #2: "Do we risk alienating jurors if we go too dark?"

Partner-track #2: "Not if we make it relatable. Everyone's had moments of despair — job loss, illness, grief. We argue that parents have a duty to *reduce the probability* of those moments, not create them wholesale."

Ethics Associate: "We can also adapt medical ethics: non-maleficence — do no harm. In

medicine, if there's a high probability of harm with no guaranteed benefit, you withhold the intervention. Birth is the ultimate irreversible intervention."

Intern #3: "We should coin a closing phrase for moral impact — something like: 'No consent. No guarantee. No creation.'"

Partner-track #2: "Good. That's our jury hook. Document it."

In the corner, Petrelli pours another measure of whisky into his paper cup, smiles faintly, and mutters to himself, *"No consent, no guarantee, no creation. Put that on my gravestone."*

[09:52 — Session adjourned.]

[Group 2 — Legal Engineering, Session 2]

Time: 09:55

Chair: Senior Partner (Litigation)

Attendees: Two senior associates, three partner-track litigators, research attorney, two interns (3L), paralegal with case law recall.

Observer: Petrelli (leaning in the doorway, sipping Caol Ila from the bottle now — paper cup abandoned)

Senior Partner: “Alright. We’ve got the hook from Group 1 — ‘No consent. No guarantee. No creation.’ Our job: make it legally actionable. Let’s go count by count.”

Associate #1: “Count I: *Negligent Creation of Human Life*. Duty = procreative duty of care. Breach = conception without ensuring foreseeable net-positive existence. Causation =

but-for the defendants' actions, plaintiff wouldn't exist. Damages = net suffering over lifetime."

Partner-track #1: "Need to backstop causation — defense will argue: 'Plaintiff can't prove nonexistence would be preferable.' We bring in expert testimony from psychologists and philosophers on negative utilitarianism and quality-of-life metrics."

Research Attorney: "Count II: *Breach of Procreative Duty of Care*. Frame it like *professional negligence*. Doctors have duties; ship captains have duties; parents should too. Show foreseeability of harm through socioeconomic, environmental, and genetic factors at time of conception."

Associate #2: "Count III: *Failure to Obtain Informed Consent for Existence*. Borrow

language from medical consent law. Impossible consent? Then you can't proceed without violating autonomy. We'll argue impossibility doesn't nullify the moral duty — it heightens it."

Intern #1: "Count IV: *Intentional Infliction of Ontological Distress*. Lifetime exposure to mortality, suffering, and boredom. Continuous harm doctrine to avoid statute of limitations."

Partner-track #2: "We also add an equitable claim — *Declaratory Judgment* that existence without consent is a violation of human rights under ECHR Article 8. That gives us a European hook if domestic courts balk."

Paralegal: "I've pulled wrongful life precedents — *Turpin v. Sortini* (CA, 1982), *Harriton v Stephens* (Australia, 2006). They deny general damages but open the door for policy

arguments. We show this case is the logical extension.”

Senior Partner: “Good. Jury instructions — I want ‘No consent. No guarantee. No creation.’ written into the proposed instruction on procreative duty. If they remember nothing else, they remember that.”

Associate #1: “Do we risk jury nullification? People might be horrified at the precedent.”

Senior Partner: “That’s why we humanize Petrelli. No philosophy lectures in court — that’s for the experts. He’s the sympathetic victim of a unilateral life-imposition.”

Intern #2: “We should also prepare for a counterclaim of gratitude obligation. Defense will argue he owes parents for raising him.”

Partner-track #1: “We preempt it — show evidence of net suffering and economic burden, plus expert testimony that gratitude can’t negate non-consensual harm.”

Senior Partner: “Alright. Tomorrow, we merge both teams’ work into the draft complaint. And someone get Petrelli a breath mint before voir dire.”

Petrelli: (without looking up) “Voir dire can smell my truth.”

[16:47 — Main Conference Room]

Everyone’s back in the big room — Group 1 smelling faintly of chalk dust and Nietzsche, Group 2 reeking of case law and printer toner.

Petrelli sits at the far end with the Caol Ila, now down to its last third, swirling it like it's court evidence.

Main Lawyer: (closing the door) “Alright. What have we got?”

Partner-track #2 (Group 1 Chair):

“Philosophically, the framework is solid. We’ve built the *Consent to Exist Doctrine* on three pillars:

1. **Duty of Procreative Care** — only create life if conditions guarantee a net-positive existence.
2. **Foreseeability of Harm** — objective metrics: socio-economic, environmental, genetic.

3. **Asymmetry Principle** — the absence of suffering is good; the absence of pleasure is not bad if no one exists to miss it.

We've anticipated pro-natalist counterarguments, neutralized the 'life as gift' framing with defective gift analogies, and tested jury-friendly metaphors — ships in storms, unseaworthy voyages. Jury hook is locked: *No consent. No guarantee. No creation.*"

Senior Partner (Group 2 Chair):

"Legally, we've translated that into six claims, ready for a draft complaint:

- **Count I: Negligent Creation of Human Life.**

- **Count II:** Breach of Procreative Duty of Care.
- **Count III:** Failure to Obtain Informed Consent for Existence.
- **Count IV:** Intentional Infliction of Ontological Distress.
- **Count V:** Product Liability Analogy — defective design and failure to warn.
- **Count VI:** Declaratory Judgment — violation of Article 8, ECHR.

We've got wrongful life precedents, continuous harm doctrine to avoid statute limitations, jurisdictional strategy for US and ECHR, and expert witness rosters. Jury instructions will carry the philosophical hook from Group 1, but pared down for clarity."

Main Lawyer: “Counterarguments?”

Partner-track #1: “Defense will hammer impossibility of consent. We’ve reframed impossibility as heightening duty, not erasing it. Also, gratitude counterclaim is anticipated and neutralized.”

Intern (Group 1): “We also built survivorship bias into our opening — explaining why those who hate life aren’t here to testify.”

Main Lawyer: “Timeline?”

Senior Partner: “If we push, draft complaint ready in two days. Expert affidavits in a week.”

Main Lawyer: (nodding) “Good. Tomorrow morning, joint drafting session. Everyone’s in. No more split teams — we merge philosophy

and law into one voice. I want a document that can walk into court without blushing.”

He looks at Petrelli.

Main Lawyer: “Any final thoughts?”

Petrelli: (finishing his whisky) “Yeah. Make sure it’s airtight. I’m not losing this because of a goddamn comma.”

Main Lawyer: “Then we’ll make sure every comma sues your parents too.”

[08:41 — Main Conference Room]

The door creaks open.

Petrelli shuffles in wearing a Victorian-era nightgown, floor-length, white cotton with a

faint ruffle at the collar. On his head: a drooping night cap with a tassel that swings as he walks. On his feet: worn slippers that make a sound somewhere between a sigh and a threat.

Behind him, the faint scent of starch from the xerox room — and the much less faint smell of juniper and ethanol. In his hands: a porcelain teapot and matching cup with saucer. Steam rises from neither.

Petrelli: (deadpan) “Tea. Very healthy in the mornings.”

He pours into the cup. The liquid is clear. The room smells like a distillery fire. He sips, satisfied.

Main Lawyer: (without missing a beat) “Glad you’re refreshed. Everyone — joint session.

Philosophy and law in one voice. Let's build the complaint."

The room is split: Group 1's corner of books, poetry, and printed Wikipedia entries on antinatalism; Group 2's corner of laptops, case law binders, and coffee mugs with "OBJECTION" in Comic Sans. Today, they merge.

Main Lawyer: "Opening paragraph — we need it to hit moral outrage *and* legal plausibility. Philosophy feeds law. Law grounds philosophy. Let's hear it."

Partner-track #2 (Group 1): "Plaintiff alleges that Defendants, acting with disregard for foreseeable harm, initiated the act of conception without obtaining consent, thereby

imposing a lifetime of suffering, mortality, and ontological distress.”

Senior Partner (Group 2): “Good start, but needs jurisdiction and venue right away. ‘Plaintiff brings this action under the laws of the State of California and the European Convention on Human Rights, as applicable, seeking damages and equitable relief for negligent creation of human life.’”

Intern (Group 1): “Can we keep ‘ontological distress’? It’s poetic and precise.”

Partner-track #1 (Group 2): “We’ll keep it, but define it in the Definitions section: ‘Ontological Distress’ means psychological, existential, and philosophical harm arising from the condition of being.’”

Ethics Associate (Group 1): “We should open the Statement of Facts with the asymmetry

principle. Jurors won't know the term, but they'll get the logic: the absence of suffering is good even if no one enjoys it, but the absence of pleasure is not bad if there's no one to miss it."

Senior Partner: "Frame it as foreseeability: Defendants knew or should have known that life carries inevitable suffering, and that the Plaintiff's nonexistence would have avoided such harm without moral loss."

Main Lawyer: "Counts?"

Partner-track #2: "Count I: Negligent Creation of Human Life. Count II: Breach of Procreative Duty of Care. Count III: Failure to Obtain Informed Consent for Existence. Count IV: Intentional Infliction of Ontological Distress. Count V: Declaratory Judgment — violation of Article 8 ECHR."

Intern (Group 2): “We should add a separate Prayer for Relief asking for formal recognition of the Consent to Exist Doctrine. Even if we lose damages, we could win a precedent.”

Main Lawyer: “Noted. Alright, Group 1 — your closing phrase?”

Partner-track #2: “‘No consent. No guarantee. No creation.’ Jury hook. Works in summation, works in media coverage, works as a movement slogan.”

Main Lawyer: “Good. We have our skeleton. This afternoon, we flesh it out and circulate a full draft. Petrelli — stay sober enough to sign affidavits.”

Petrelli: (refilling his teacup from the gin pot)
“I’ll be sober when this case wins, and not a minute before.”

Main Lawyer: (closing the folder in front of him) “Alright. What do we have? Enough to start drafting?”

Senior Partner (Group 2): “Yes. Structurally, we’ve got a clean five-count complaint, jurisdictional hooks in California, New Jersey, and ECHR, plus fallback equitable relief if damages get tossed. Continuous harm doctrine is in to beat statute limitations.”

Partner-track #2 (Group 1): “Philosophically, the framework is ready for integration. The Consent to Exist Doctrine is refined to three pillars, and we’ve packaged them into jury-friendly metaphors. We’ve already preempted the pro-natalist counterarguments and gratitude defense.”

Ethics Associate: “We’ve also built definitions for key terms — ‘Ontological Distress,’ ‘Procreative Duty of Care,’ ‘Foreseeability of Harm.’ All ready for the Definitions section.”

Research Attorney: “Expert witnesses locked. Benatar for antinatalism, a utilitarian economist for value-of-life calculations, a psychiatrist for the mental health angle, and a maritime safety expert for the ‘unseaworthy voyage’ analogy.”

Intern (Group 1): “Plus the jury hook is tested and final: ‘No consent. No guarantee. No creation.’ It threads the philosophy into the law.”

Main Lawyer: “Alright. Afternoon session: we go from notes to paper. I want page one to sound like it belongs in the U.S. Reports and a Baudelaire collection at the same time. This

complaint has to live in two worlds and scare both.”

He looks at Petrelli, who’s now using the gin-teapot to top up the Caol Ila bottle.

Main Lawyer: “You’ve got your circus, Petrelli. Now let’s make the tent.”

Petrelli: (dryly) “As long as the tent covers my legal fees and my bar tab.”

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA

JOHN PETRELLI,
Plaintiff,

v.

MARCO PETRELLI and ELENA PETRELLI,
Defendants.

Case No.: _____

**COMPLAINT FOR DAMAGES AND
DECLARATORY RELIEF**

Counts:

1. Negligent Creation of Human Life
2. Breach of Procreative Duty of Care
3. Failure to Obtain Informed Consent for
Existence
4. Intentional Infliction of Ontological
Distress

5. Declaratory Judgment (Recognition of the Consent to Exist Doctrine)

INTRODUCTION

1. Plaintiff John Petrelli brings this action against Defendants, his biological parents, for initiating his existence without his consent, in circumstances where Defendants knew or should have known that life would expose Plaintiff to inevitable suffering, mortality, and existential harm, and without any assurance of net-positive well-being.

2. This case presents a matter of first impression: whether the act of procreation, absent informed consent and absent reasonable guarantees of a net-positive life, constitutes a tort under established principles of duty, breach, causation, and damages.

3. Plaintiff's claim is rooted in the **Consent to Exist Doctrine**, a principle grounded in both moral philosophy and law: **No consent. No guarantee. No creation.**

4. Defendants' actions constitute not merely a failure of parental prudence, but a breach of a fundamental procreative duty of care owed to all prospective persons — the duty to refrain from bringing a being into existence unless the foreseeable conditions of that existence are such that a reasonable person would choose them.

JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332, as the amount in controversy exceeds \$75,000 and the parties are citizens of different states. Supplemental

jurisdiction exists over related claims under 28 U.S.C. § 1367.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391, as a substantial part of the acts and omissions giving rise to the claim occurred here.

7. Plaintiff also seeks parallel declaratory relief under the European Convention on Human Rights, Article 8 (Right to Respect for Private and Family Life), through applicable mechanisms for recognition and enforcement of foreign judgments.

STATEMENT OF FACTS

8. Plaintiff did not consent to be conceived or born, nor could he have done so.

9. Defendants, at the time of Plaintiff's conception, possessed knowledge — or were in a position to possess knowledge — of foreseeable harms inherent in existence, including but not limited to physical suffering, mental anguish, economic precarity, climate instability, and the certainty of death.

10. Defendants failed to take reasonable measures to ensure that Plaintiff's life would be, on balance, worth living. No such guarantees were offered, nor could they be substantiated.

11. The absence of suffering is a moral good, even if there is no one to enjoy it; the absence of pleasure is not a moral harm if there is no one to miss it. By creating Plaintiff, Defendants imposed certain suffering without offsetting certainty of benefit.

If you like, I can continue with **the second page**, where we outline each count in numbered paragraphs — still in real legal style — while slipping in philosophical citations (Benatar, Schopenhauer, Baudelaire) in footnotes like they're expert authority. That's where this becomes a legal document you could almost file, if the clerk didn't faint first.

Do you want me to keep drafting?

Here's page two, continuing in full mock-court style, now laying out the counts with that philosophical backbone tucked neatly inside the legal structure.

COUNT I – NEGLIGENT CREATION OF HUMAN LIFE

12. Plaintiff realleges and incorporates by reference paragraphs 1–11 as though fully set forth herein.

13. At all times relevant, Defendants owed Plaintiff a **Procreative Duty of Care** — a duty to refrain from initiating the creation of human life absent reasonable assurance that such life would be, on balance, worth living to the person created.

14. Defendants breached this duty by conceiving and causing the birth of Plaintiff without such assurance, and in disregard of foreseeable harms inherent in existence, including but not limited to mortality, suffering, and the absence of consent.

15. As a direct and proximate result of Defendants' negligence, Plaintiff has sustained ongoing **Ontological Distress** — a continuous

harm encompassing psychological, existential, and philosophical injury arising from the condition of being.

COUNT II – BREACH OF PROCREATIVE DUTY OF CARE

16. Plaintiff realleges and incorporates by reference paragraphs 1–15 as though fully set forth herein.

17. The Procreative Duty of Care, as articulated in moral philosophy and recognized in analogous contexts of professional and fiduciary duties, requires an actor to avoid irreversible, high-risk interventions without informed consent and without reasonable certainty of benefit.

18. Defendants breached this duty by engaging in an irreversible act — procreation — without consent and without ensuring Plaintiff's existence would meet or exceed objectively measurable standards of well-being.

COUNT III – FAILURE TO OBTAIN INFORMED CONSENT FOR EXISTENCE

19. Plaintiff realleges and incorporates by reference paragraphs 1–18 as though fully set forth herein.

20. Informed consent is a cornerstone principle in medical and ethical decision-making. Even where prior consent is logically impossible, the impossibility of consent heightens, rather than diminishes, the actor's duty to avoid harm.

21. By conceiving Plaintiff without the possibility of informed consent, Defendants violated Plaintiff's autonomy in the most fundamental way — by unilaterally imposing existence.

COUNT IV – INTENTIONAL INFLICTION OF ONTOLOGICAL DISTRESS

22. Plaintiff realleges and incorporates by reference paragraphs 1–21 as though fully set forth herein.

23. Defendants acted with reckless disregard for the certainty that Plaintiff's existence would entail mortality, suffering, and the eventual loss of all things valued.

24. Said conduct constitutes extreme and outrageous conduct, directly and proximately

causing Plaintiff severe and ongoing
Ontological Distress.

COUNT V – DECLARATORY JUDGMENT

25. Plaintiff realleges and incorporates by reference paragraphs 1–24 as though fully set forth herein.

26. Plaintiff seeks a declaration from this Court recognizing the **Consent to Exist Doctrine** as a principle of law: *No consent. No guarantee. No creation.*

27. Such recognition is necessary to prevent future violations of the Procreative Duty of Care, to establish that existence without consent constitutes a harm, and to align domestic law with evolving standards of human

rights under the European Convention on Human Rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- a. Award general and special damages in an amount to be determined at trial;
 - b. Award punitive damages sufficient to deter similar conduct;
 - c. Enter declaratory judgment as set forth in Count V;
 - d. Award costs of suit and attorneys' fees; and
 - e. Grant such other and further relief as the Court deems just and proper.
-

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted,

Attorney for Plaintiff

[Name, Bar No., Address, Contact]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA

JOHN PETRELLI,

Plaintiff,

v.

MARCO PETRELLI and ELENA PETRELLI,

Defendants.

Case No.: _____

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DECLARATORY RELIEF**

Counts:

1. Negligent Creation of Human Life
 2. Breach of Procreative Duty of Care
 3. Failure to Obtain Informed Consent for
Existence
 4. Intentional Infliction of Ontological
Distress
 5. Declaratory Judgment (Recognition of
the Consent to Exist Doctrine)
-

INTRODUCTION

1. Plaintiff John Petrelli brings this action against Defendants, his biological parents, for initiating his existence without his consent, in circumstances where Defendants knew or should have known that life would expose Plaintiff to inevitable suffering, mortality, and existential harm, and without any assurance of net-positive well-being.
2. This case presents a matter of first impression: whether the act of procreation, absent informed consent and absent reasonable guarantees of a net-positive life, constitutes a tort under established principles of duty, breach, causation, and damages.
3. Plaintiff's claim is rooted in the **Consent to Exist Doctrine**, a principle grounded in both

moral philosophy and law: *No consent. No guarantee. No creation.*[¹]

4. Defendants' actions constitute not merely a failure of parental prudence, but a breach of a fundamental procreative duty of care owed to all prospective persons — the duty to refrain from bringing a being into existence unless the foreseeable conditions of that existence are such that a reasonable person would choose them.[²]

JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332, as the amount in controversy exceeds \$75,000 and the parties are citizens of different states. Supplemental jurisdiction exists over related claims under 28 U.S.C. § 1367.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391, as a substantial part of the acts and omissions giving rise to the claim occurred here.

7. Plaintiff also seeks parallel declaratory relief under the European Convention on Human Rights, Article 8 (Right to Respect for Private and Family Life), through applicable mechanisms for recognition and enforcement of foreign judgments.[³]

STATEMENT OF FACTS

8. Plaintiff did not consent to be conceived or born, nor could he have done so.

9. Defendants, at the time of Plaintiff's conception, possessed knowledge — or were in a position to possess knowledge — of

foreseeable harms inherent in existence, including but not limited to physical suffering, mental anguish, economic precarity, climate instability, and the certainty of death.[^4^]

10. Defendants failed to take reasonable measures to ensure that Plaintiff's life would be, on balance, worth living. No such guarantees were offered, nor could they be substantiated.[^5^]

11. The absence of suffering is a moral good, even if there is no one to enjoy it; the absence of pleasure is not a moral harm if there is no one to miss it.[^6^] By creating Plaintiff, Defendants imposed certain suffering without offsetting certainty of benefit.

[^1^]: Benatar, David. *Better Never to Have Been: The Harm of Coming into Existence*

(Oxford University Press, 2006), ch. 2.

[^2^]: Parfit, Derek. *Reasons and Persons*

(Oxford University Press, 1984), Part IV; cf.

Curlender v. Bio-Science Laboratories, 106

Cal.App.3d 811 (1980) (recognizing wrongful life in limited contexts).

[^3^]: European Court of Human Rights,

Pretty v. United Kingdom, App. No. 2346/02

(2002) (recognizing personal autonomy as integral to Article 8).

[^4^]: Schopenhauer, Arthur. *On the*

Sufferings of the World (1851); World Health

Organization, *Global Burden of Disease Study* (2023).

[^5^]: Cf. *Harrington v. Stephens* [2006] HCA

15 (Austl.), noting judicial reluctance to value existence as compensable harm, but leaving open theoretical expansion.

[^6^]: Benatar, *supra* note 1, at 30–31
(asymmetry principle).

COUNT I – NEGLIGENT CREATION OF HUMAN LIFE

12. Plaintiff realleges and incorporates by reference paragraphs 1–11 as though fully set forth herein.

13. At all times relevant, Defendants owed Plaintiff a **Procreative Duty of Care** — a duty to refrain from initiating the creation of human life absent reasonable assurance that such life would be, on balance, worth living to the person created.[^7^]

14. Defendants breached this duty by conceiving and causing the birth of Plaintiff

without such assurance, and in disregard of foreseeable harms inherent in existence, including but not limited to mortality, suffering, and the absence of consent.[⁸]

15. As a direct and proximate result of Defendants' negligence, Plaintiff has sustained ongoing **Ontological Distress** — a continuous harm encompassing psychological, existential, and philosophical injury arising from the condition of being.[⁹]

COUNT II – BREACH OF PROCREATIVE DUTY OF CARE

16. Plaintiff realleges and incorporates by reference paragraphs 1–15 as though fully set forth herein.

17. The Procreative Duty of Care, as articulated in moral philosophy and recognized in analogous contexts of professional and fiduciary duties, requires an actor to avoid irreversible, high-risk interventions without informed consent and without reasonable certainty of benefit.^[10]

18. Defendants breached this duty by engaging in an irreversible act — procreation — without consent and without ensuring Plaintiff's existence would meet or exceed objectively measurable standards of well-being.^[11]

**COUNT III – FAILURE TO OBTAIN
INFORMED CONSENT FOR EXISTENCE**

19. Plaintiff realleges and incorporates by reference paragraphs 1–18 as though fully set forth herein.

20. Informed consent is a cornerstone principle in medical and ethical decision-making.^[12] Even where prior consent is logically impossible, the impossibility of consent heightens, rather than diminishes, the actor’s duty to avoid harm.^[13]

21. By conceiving Plaintiff without the possibility of informed consent, Defendants violated Plaintiff’s autonomy in the most fundamental way — by unilaterally imposing existence.^[14]

COUNT IV – INTENTIONAL INFLICTION OF ONTOLOGICAL DISTRESS

22. Plaintiff realleges and incorporates by reference paragraphs 1–21 as though fully set forth herein.

23. Defendants acted with reckless disregard for the certainty that Plaintiff’s existence would entail mortality, suffering, and the eventual loss of all things valued.[¹⁵]

24. Said conduct constitutes extreme and outrageous conduct, directly and proximately causing Plaintiff severe and ongoing Ontological Distress.[¹⁶]

COUNT V – DECLARATORY JUDGMENT

25. Plaintiff realleges and incorporates by reference paragraphs 1–24 as though fully set forth herein.

26. Plaintiff seeks a declaration from this Court recognizing the **Consent to Exist Doctrine** as a principle of law: *No consent. No guarantee. No creation.*[¹⁷]

27. Such recognition is necessary to prevent future violations of the Procreative Duty of Care, to establish that existence without consent constitutes a harm, and to align domestic law with evolving standards of human rights under the European Convention on Human Rights.[¹⁸]

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- a. Award general and special damages in an amount to be determined at trial;

- b. Award punitive damages sufficient to deter similar conduct;
- c. Enter declaratory judgment as set forth in Count V;
- d. Award costs of suit and attorneys' fees; and
- e. Grant such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted,

Attorney for Plaintiff

[Name, Bar No., Address, Contact]

[^7^]: Cf. *Tarasoff v. Regents of Univ. of California*, 17 Cal.3d 425 (1976) (establishing duty to prevent foreseeable harm to others).

[^8^]: Schopenhauer, Arthur. *On the Sufferings of the World* (1851) (“To bring a child into existence is to assign it to the fate of striving, suffering, and dying.”).

[^9^]: Heidegger, Martin. *Sein und Zeit* (1927), § § 38–40 (defining *Geworfenheit* or “thrownness” into existence).

[^10^]: Beauchamp, Tom L., & Childress, James F. *Principles of Biomedical Ethics* (8th ed., 2019), principle of nonmaleficence.

[^11^]: World Happiness Report 2023; United Nations, *Global Risks Report* (foreseeability of harm).

[^12^]: *Canterbury v. Spence*, 464 F.2d 772 (D.C. Cir. 1972) (defining informed consent in medical law).

[^13^]: Kant, Immanuel. *Groundwork for the Metaphysics of Morals* (1785), on treating humanity always as an end, never solely as a means.

[^14^]: Cf. *Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261 (1990) (autonomy in life-and-death medical decisions).

[^15^]: Camus, Albert. *Le Mythe de Sisyphe* (1942) (“There is but one truly serious philosophical problem, and that is suicide.”).

[^16^]: Baudelaire, Charles. *Les Fleurs du mal* (1857) (“The Devil holds the strings which move us…”).

[^17^]: Benatar, David, *supra* note 1, at 34–35 (consent as moral precondition to creation).

[^18^]: European Court of Human Rights, *Evans v. United Kingdom*, App. No. 6339/05 (2007) (recognizing reproductive autonomy under Article 8).

[COURTROOM — MORNING]

The bailiff calls the case. People shuffle into their seats. The gallery is full — law students with notepads, three local reporters, one philosophy professor visibly vibrating with excitement.

At Plaintiff's table:

- **Main Lawyer** in a custom suit so sharp it might be a concealed weapon.
- Group 1 and Group 2 heavyweights, wearing the grim satisfaction of people billing \$1,200 an hour.
- Research attorney stacking expert affidavits like ammo crates.

- Petrelli himself, sitting back in a crisp suit jacket over a Victorian nightgown, sipping something “medicinal” from a stainless travel mug.

On the table between them: the **pre-signed, blank check from the St. Jude Foundation of Lost Causes** — mounted in a clear acrylic frame, like a relic.

At Defense’s table:

- **Town Lawyer**, seventy if a day, bolo tie, boots, jacket smelling faintly of hay.
- His briefcase is older than the courthouse, its brass clasp replaced with baling wire.
- Specialty: *cattle rustling* (plaintiff and defense) and *divorce* (preferably in the same case).

- Legal pad: yellow, half-filled with grocery lists.

JUDGE (a no-nonsense federal appointee with the patience of Job and the caffeine tolerance of three men): “Mr. Petrelli, are you ready to proceed?”

Main Lawyer: “Yes, Your Honor.”

Town Lawyer: “Yep.”

JUDGE: “Plaintiff, opening statement.”

Main Lawyer rises with the calm authority of someone about to cross-examine God.

Main Lawyer:

“Ladies and gentlemen of the jury — this case is about consent. Not contracts, not commerce — consent to exist. My client, Mr. Petrelli, was brought into this world without it. His parents — the Defendants — acted without ensuring

his life would be worth living. The law protects us from defective products, unsafe ships, and unlicensed medical procedures. We say it should also protect us from defective births.”

The jury leans forward.

Town Lawyer scratches his ear, then jots:

“Defective birth? Ask Doc Miller about calves.”

Main Lawyer continues:

“You will hear from philosophers. You will hear from psychiatrists. You will even hear from maritime safety experts. You will hear about a principle called the Consent to Exist Doctrine: *No consent. No guarantee. No creation.* And when you do, you will see that this is not just philosophy — it is a matter of justice.”

JUDGE: “Defense?”

Town Lawyer stands, thumbs hooked in his belt loops.

“Folks… this is the dumbest damn case I’ve ever seen. And I’ve defended a man who tried to marry his goat. Twice. These are parents who raised a fine boy. He’s wearing clothes. He’s upright. He’s talkin’ fancy. That’s a win where I come from. We didn’t need a philosopher to tell us that life’s a gift. Sometimes it’s a crappy gift, sure. But you don’t sue your mama for givin’ it.”

He sits. His grocery list flutters to the floor.

Petrelli leans toward Main Lawyer and mutters: “Don’t underestimate him. That goat case was precedent.”

[COURTROOM — LATER THAT MORNING]

JUDGE: “Plaintiff, call your first witness.”

Main Lawyer: “We call Dr. Elias Brenner, Professor of Philosophy at Stanford University.”

A tall, ascetic man in a tweed jacket takes the stand. He looks like he was born with elbow patches.

Main Lawyer: “Dr. Brenner, could you explain to the jury the concept of *Geworfenheit*?”

Dr. Brenner: “Yes, Your Honor. *Geworfenheit*, or ‘thrownness,’ is Heidegger’s term for the condition of being involuntarily placed into existence without agency or choice—”

Town Lawyer: (leaping to his feet) “Objection! My client didn’t throw nobody! We ain’t talkin’ about assault here.”

JUDGE: “Overruled. Let him finish.”

Dr. Brenner: “—and thus, the individual must navigate a world they never agreed to enter. In Mr. Petrelli’s case—”

Town Lawyer: “Hold it right there. Professor, you ever been born?”

Dr. Brenner: “Well… yes.”

Town Lawyer: “And yet… here you are. Wearin’ a jacket with patches, drinkin’ lattes in the faculty lounge. Doesn’t seem like birth wrecked you.”

Dr. Brenner: “I am not the plaintiff—”

Town Lawyer: “Exactly. Next question: you ever tried gettin’ consent from a non-existent person?”

Dr. Brenner: “That’s logically impossible—”

Town Lawyer: “Case closed.” (Sits.)

Main Lawyer: “Your Honor, we next call Dr. Maria Estevez, psychiatrist and researcher in suicidology.”

Dr. Estevez takes the stand. Calm, deliberate.

Main Lawyer: “Dr. Estevez, could you explain the mental health implications of unwanted existence?”

Dr. Estevez: “Certainly. Studies show elevated depression and anxiety in individuals who perceive life as imposed. The lack of agency in one’s origin can correlate with chronic existential distress—”

Town Lawyer: “Doctor, quick question. You ever been to a county fair?”

Dr. Estevez: “I… suppose I have.”

Town Lawyer: “Ever see a hog? Think that hog asked to be a hog?”

Dr. Estevez: “Well, no—”

Town Lawyer: “Yet there it is. Hoggin’ around, havin’ a grand ol’ time in the mud. Folks, we can’t run the universe like a permission slip.”

Main Lawyer: “We call Dr. David Benatar.”

The jury perks up — they’ve heard whispers about this man. He’s dressed in a simple suit, carrying *Better Never to Have Been*.

Main Lawyer: “Professor Benatar, could you summarize your asymmetry argument?”

Benatar: “Certainly. The absence of suffering is good even if there is no one to benefit, whereas the absence of pleasure is not bad unless there is someone to be deprived of it. Thus, bringing

someone into existence always risks harm
without the certainty of benefit—”

Town Lawyer: “Professor, you ever raise
cattle?”

Benatar: “...No.”

Town Lawyer: “Thought so. Your Honor, this
man’s never had a calf lick his hand. If he had,
he’d know sometimes bein’ alive is worth it just
for that.”

JUDGE: “Mr. Town Lawyer, that’s not cross-
examination, that’s folksy metaphor.”

Town Lawyer: “Exactly, Your Honor.” (Sits
down.)

Petrelli leans to Main Lawyer: “We may win
this case, but that man is going to win the
jury’s heart.”

Main Lawyer: “Let him have their heart. I only need their verdict.”

[COURTROOM — AFTERNOON]

JUDGE: “Defense, call your first witness.”

Town Lawyer: “The defense calls Mrs. Elena Petrelli.”

A petite woman in her late sixties approaches the stand. She’s wearing a floral dress and a look that says she’s already rehearsed her “I’m your mother” speech.

Town Lawyer: “Mrs. Petrelli, could you tell the jury about your son’s upbringing?”

Mrs. Petrelli: “Oh, John had a happy childhood. We gave him everything we could.

Piano lessons, soccer, summer camps. We loved him from the moment he was born.”

Town Lawyer: “And did you do your best to raise him right?”

Mrs. Petrelli: “Of course. He’s smart, healthy, and handsome.”

Town Lawyer: “Thank you, ma’am.”

JUDGE: “Cross-examination?”

Main Lawyer rises, flipping open the complaint.

Main Lawyer: “Mrs. Petrelli, you testified that you loved your son from the moment he was born. Correct?”

Mrs. Petrelli: “Yes.”

Main Lawyer: “So, before he was born, you had no relationship with him?”

Mrs. Petrelli: “Well… no, not yet.”

Main Lawyer: “Yet you made the irreversible decision to create him. Without knowing who he would be, what conditions he’d face, or whether he would consent. Is that correct?”

Mrs. Petrelli: “…I suppose so.”

Main Lawyer: “And when you chose to have him, did you perform any formal risk assessment — genetic, environmental, socio-economic — to ensure that his existence would be worth the risks?”

Mrs. Petrelli: “We… didn’t think of it that way.”

Main Lawyer: “Exactly. You didn’t think of it at all. No duty of care, no informed consent, no mitigation plan for inevitable suffering. Thank you.”

Mrs. Petrelli wilts slightly in the chair.

Town Lawyer: “The defense calls Mr. Marco Petrelli.”

John’s father takes the stand. Large hands, weathered face. He has the air of a man who believes common sense will save him.

Town Lawyer: “Mr. Petrelli, why did you and your wife have John?”

Mr. Petrelli: “Because we wanted a family. That’s what people do. You meet someone, you marry, you have kids.”

Town Lawyer: “And you love your son?”

Mr. Petrelli: “Of course. I’d give my life for him.”

Town Lawyer: “No further questions.”

JUDGE: “Cross-examination?”

Main Lawyer: “Mr. Petrelli, you say you would give your life for your son. Yet, you never asked whether he wanted one in the first place?”

Mr. Petrelli: “That’s not how it works.”

Main Lawyer: “Exactly — it doesn’t work. You imposed the most binding contract imaginable — existence — without negotiation, without terms, without an opt-out clause.”

Mr. Petrelli: “You can’t negotiate with someone who doesn’t exist.”

Main Lawyer: “Then the moral choice is *not to create them*. Did you consider that option?”

Mr. Petrelli: “No.”

Main Lawyer: “No further questions.”

Petrelli sits back, sipping from his travel mug, eyes fixed on the jury. He doesn't smile.

Petrelli: (low voice, to Main Lawyer)

“Tomorrow, closings. We end the prank.”

[COURTROOM — NEXT MORNING]

The gallery is packed. The jury looks a little frayed — three days of *Geworfenheit* and negative utilitarianism will do that to you.

JUDGE: “Plaintiff, you may proceed with closing arguments.”

Main Lawyer rises, unbuttons jacket, walks slowly toward the jury box.

Main Lawyer:

“Ladies and gentlemen, when you strip this

case down, it is not complicated. The law recognizes duties: the duty of care in medicine, the duty to warn in manufacturing, the duty to avoid foreseeable harm in every context from shipping to psychiatry.

And yet — the one act more irreversible than surgery, more binding than a contract, more perilous than sending a ship to sea — *procreation* — has no such duty.

My client was not consulted. He was not warned. He was not offered terms. He was thrown — *Geworfenheit* — into a world of certain suffering, uncertain benefit, and guaranteed death.

We are not here to punish love. We are here to recognize harm. We are here to establish the **Consent to Exist Doctrine**: *No consent. No guarantee. No creation.*

You can set the precedent that will protect every prospective person from being forced into existence without a reasonable assurance that their life will be worth it.

This is your chance to expand justice into the one realm it has never touched: the moment before life begins.”

He steps back, silent for a beat, then returns to his seat.

JUDGE: “Defense, your closing.”

Town Lawyer stands, thumbs hooked in his belt loops, strolling toward the jury like he’s about to sell them a good horse.

Town Lawyer:

“Folks, I’ve been practicin’ law a long time. I’ve seen cattle rustlers, bad divorces, and one fella

who swore his neighbor's rooster was
trespassin'. But I ain't never seen someone try
to sue their mama for bein' born.

Now, these big-city lawyers got their
philosophers and their Latin and their fancy
gin teapots. They'll tell you life's a burden, a
harm, a thing to be weighed and measured like
a sack of feed.

I'm here to tell you life's a *gift*. Sometimes it's a
gift you don't like. Sometimes it's socks at
Christmas. But it's still somethin'.

And if you start sayin' mamas and daddies need
permission slips to bring a child into the world,
pretty soon nobody's havin' kids. And when
there's nobody left, who's gonna sue?

This case is nonsense. Common sense says you
love your kids, you raise 'em best you can, and

you hope they turn out alright. And if they don't like it — well — that's life."

He tips his hat slightly and returns to his seat.

JUDGE: "Members of the jury, you have heard the evidence. You may now retire to deliberate."

Petrelli leans over to Main Lawyer, eyes steady: "If they get it, we change history. If they don't... we appeal."

[COURTROOM — LATE AFTERNOON]

The jury files back in. Their faces are unreadable — one juror looks like he's just done his taxes, another like she's about to faint. The gallery is holding its breath.

BAILIFF: “All rise.”

Everyone stands. The **JUDGE** takes the bench.

JUDGE: “Madam Foreperson, has the jury reached a verdict?”

FOREPERSON: “We have, Your Honor.”

JUDGE: “Please hand it to the clerk.”

The clerk takes the folded verdict form, walks it to the judge, who glances at it and nods.

JUDGE: “In the matter of *Petrelli v. Petrelli*, on Count I — Negligent Creation of Human Life — we find for the plaintiff.”

A ripple moves through the room. Petrelli doesn’t blink.

JUDGE: “On Count II — Breach of Procreative Duty of Care — for the plaintiff.

On Count III — Failure to Obtain Informed
Consent for Existence — for the plaintiff.

On Count IV — Intentional Infliction of
Ontological Distress — for the plaintiff.

On Count V — Declaratory Judgment:
Recognition of the Consent to Exist Doctrine
— for the plaintiff.”

The gallery explodes — gasps, murmurs, the
philosophy professor dropping his pen in
disbelief.

JUDGE: “Damages in the amount of two
million dollars, plus recognition of the Consent
to Exist Doctrine as a matter of law in this
jurisdiction.”

[SILENCE]

Petrelli stands, buttons his suit jacket over the Victorian nightgown, and turns to his parents.

Petrelli: “You gave me life. I made it case law.”

Behind them, the Town Lawyer mutters to himself:

“Well, I’ll be damned. Guess I’m readin’ that Heidegger fella.”

Petrelli reaches into his jacket pocket and pulls out **the checkbook** — heavy, leather, embossed with *The St. Jude Foundation of Lost Causes*. Every page is pre-signed.

Petrelli flips to the top check, uncaps a pen, and in bold, deliberate numbers writes:

2,005,000.

He tears the check from the book with the slow precision of a surgeon removing a scalpel from sterile packaging.

He walks it over to the defense table. His father — still trying to process that his son just changed legal history — looks up.

Petrelli sets the check down in front of him.

Petrelli:

“Pay the two million. The five thousand are for your lawyer — maybe buy a new bolo tie.”

The Town Lawyer glances down at his own neckwear, mutters something about it being a family heirloom.

Petrelli: (straightening, voice carrying just enough to be overheard by the nearest reporters)

“What I wanted was to set jurisprudence.”

He turns, walks out of the courtroom without another word, the checkbook still in his hand,

tassel on his Victorian nightcap bouncing in time with each step.

Behind him, the Town Lawyer whispers to Mr. Petrelli:

“Hell, you could get two bolo ties with that.”

**[COURTHOUSE STEPS — LATE
AFTERNOON]**

The courthouse doors swing open.

Main Lawyer leads the way, flanked by Group 1 and Group 2 — now merged into one seamless wall of dark suits, expensive haircuts, and the kind of smiles only victory buys. Behind them: Petrelli, still in the Victorian nightgown under his jacket, checkbook tucked into his breast pocket.

The air is electric with camera shutters, live-stream phones, and a half-dozen microphones shoved forward.

Reporter 1: “Mr. Petrelli, are you satisfied with the verdict?”

Petrelli: “I didn’t come here for money. I came here to make sure nobody else gets thrown into existence without the chance to say no. The money’s just collateral damage.”

Reporter 2: “You wrote your father a check for the judgment amount — why?”

Petrelli: “Because this wasn’t about bankrupting my parents. It was about bankrupting the idea that life is a free-for-all gift you can dump on someone without consequence. And… I wanted to cover a new bolo tie. Courtroom etiquette matters.”

The gallery of journalists laughs nervously, unsure if he's serious.

Main Lawyer: (stepping to the mic)

“Today, the jury recognized the **Consent to Exist Doctrine**: *No consent. No guarantee. No creation.* It's a principle rooted in morality, grounded in law, and now — recognized in this jurisdiction. This is a precedent that will ripple through family law, human rights, and ethics for decades.”

Reporter 3: “Do you expect more cases like this?”

Main Lawyer: “If people are listening? Yes. If courts are willing? Definitely. Today, Mr. Petrelli's name is in the law books — and not as a footnote.”

Reporter 4: “Mr. Petrelli, any final comment?”

Petrelli: (pausing just long enough for cameras to lean in)

“Yes. Mom, Dad — you gave me life. I gave you case law. Now we’re even.”

He turns and walks down the courthouse steps into a wall of flashing bulbs, Group 1 and Group 2 close behind, already discussing appeal strategies for jurisdictions that don’t yet know what *Geworfenheit* means.

The San Francisco Chronicle

Opinion Section — Sunday Edition

“No Consent. No Guarantee. No Creation.” —

The Day Parenthood Went on Trial

By Eleanor Mayfield, Senior Columnist

[Photo Caption:]

John Petrelli, 34, sits in the press room of the Phillip Burton Federal Building moments after his landmark victory, wearing a Victorian nightgown and slippers under a freshly pressed navy blazer. Cross-legged in a leather chair, he pours from a porcelain teapot into a delicate china cup. Witnesses confirm it is not tea.

It takes a lot to rattle San Francisco's legal community, but last Thursday's verdict in *Petrelli v. Petrelli* may have done more than rattle it — it may have redrawn the moral boundaries of parenthood itself.

For the first time in American jurisprudence, a jury recognized what plaintiff John Petrelli and his formidable team of attorneys dubbed the **Consent to Exist Doctrine**: that parents have a

legal and moral duty to refrain from bringing a child into existence without reasonable assurance that life will be worth living to that child.

It is a principle long debated in the quiet halls of philosophy departments, where names like Benatar, Schopenhauer, and Parfit pass between chalkboards and lecture podiums. Until this week, those conversations had no foothold in courtrooms. Now, thanks to one man in a nightgown and slippers — they do.

Petrelli's lawsuit against his parents, Marco and Elena, was never really about the two million dollars in damages the jury awarded. In fact, moments after the verdict, Petrelli coolly tore a check from a pre-signed St. Jude Foundation checkbook and handed it to his

father — for the full amount, plus \$5,000 “for your lawyer, maybe buy a new bolo tie.”

“It was about jurisprudence,” Petrelli told reporters on the courthouse steps. “The money was collateral damage.”

The defense, led by a small-town attorney more accustomed to cattle rustling disputes than existential torts, leaned heavily on the “life is a gift” narrative. Jurors clearly disagreed. In siding with Petrelli on all counts — from negligent creation of human life to intentional infliction of ontological distress — they have signaled that the idea of a “gift” must now withstand the same scrutiny as any other irreversible, high-risk imposition.

Critics will call this verdict absurd, dangerous, or the beginning of a litigation free-for-all. Supporters will hail it as a long-overdue

recognition of autonomy at life's very starting line.

But even those still laughing at the mental image of a plaintiff in a nightcap sipping gin from fine china will have to admit: on Thursday, a jury in San Francisco made history. Whether the world is ready for the Consent to Exist Doctrine is another question entirely.

EPILOGUE

[INT. DARK DORM ROOM — NIGHT]

The only light comes from a single desk lamp, throwing a cone of yellow over a fortress of books and papers.

A **grad student** is half-buried behind them — hair a mess, hoodie pulled up, eyes red from caffeine and despair. The desk is littered with coffee mugs, some empty, some only pretending to be coffee.

Seventeen books lie open — philosophy, law, human rights, even maritime safety manuals — each marked with sticky notes like battle scars.

Her laptop screen glows:

THESIS TITLE (REVISED DRAFT): *The*

*Consent to Exist Doctrine and Post-Petrelli
Jurisprudence*

She stares at it like it's a bomb she has to defuse in two weeks.

On the wall above the desk: a **dartboard**, but instead of concentric circles it's a blown-up newspaper photo of **John Petrelli** — Victorian nightgown, slippers, blazer, nightcap, sipping absolutely-not-tea from a china cup with saucer.

The picture is already a pincushion.

She grabs a dart, winds back, throws. **Thunk.** Another hit, dead center in Petrelli's smirking face.

Camera pushes in on the photo.

Petrelli turns his head toward the camera, winks, and smiles.

Thunk. A new dart lands right in his face.

CUT TO BLACK.

CREDITS ROLL.

A man takes his parents to court for the crime of his own birth. From this audacious premise, *GEWORFENHEIT* unfolds into a fierce and darkly dazzling inquiry into the nature of existence itself. Alba Pratalia stages a trial where Heidegger's "thrownness" becomes Exhibit A, Benatar's antinatalism a legal strategy, and the Consent to Exist Doctrine a rallying cry. In a courtroom crowded with philosophers, theologians, mariners, and the Spanish Inquisition, arguments blur between satire and revelation, laughter and unease. With the precision of a legal brief and the lyric force of literature, Pratalia delivers a novel that entertains, disorients, and persuades—leaving the reader to wonder if the most ancient human instinct, to create life, might also be its most elaborate trespass.